

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1478 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-13-2-174.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 174.5. "Storage yard" for**
- 6 **purposes of IC 9-22-1, has the meaning set forth in IC 9-22-1-3.5.**
- 7 SECTION 2. IC 9-22-1-3.5 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "storage yard"**
- 10 **means a storage facility or a towing service used for the removal**
- 11 **and storage of abandoned vehicles or parts."**
- 12 Page 1, line 9, strike "an automobile" and insert "**a towing service.**".
- 13 Page 1, line 10, strike "scrapyard."
- 14 Page 1, line 11, after "bureau." insert "**The towing service may**
- 15 **dispose of the abandoned vehicle not less than thirty (30) days after**
- 16 **the date on which the towing service removed the abandoned**
- 17 **vehicle."**
- 18 Page 2, line 14, strike "area." and insert "**yard or towing service.**".
- 19 Page 2, between lines 14 and 15, begin a new paragraph and insert:
- 20 "SECTION 5. IC 9-22-1-16 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If after
- 22 seventy-two (72) hours the person who owns a vehicle believed to be
- 23 abandoned on private property that the person owns or controls,
- 24 including rental property, has not removed the vehicle from the private
- 25 property, the person who owns or controls the private property may

1 have the vehicle towed from the private property. The towing operator  
2 shall do the following:

3 (1) Contact the bureau to obtain the name and address of the  
4 person who owns the vehicle.

5 (2) ~~Deliver~~, **Send**, by certified mail, a copy of the information  
6 contained in the notice required under section 15 of this chapter  
7 to the person who owns the vehicle. The notice required by this  
8 subdivision must be ~~given~~ **mailed to the person who owns the**  
9 **vehicle according to the records of the bureau** not later than  
10 five (5) business days after ~~the vehicle is removed~~. **receipt of the**  
11 **information in subdivision (1) from the bureau.**

12 (b) Notwithstanding subsection (a), in an emergency situation a  
13 vehicle may be removed immediately. As used in this subsection,  
14 "emergency situation" means that the presence of the abandoned  
15 vehicle interferes physically with the conduct of normal business  
16 operations of the person who owns or controls the private property or  
17 poses a threat to the safety or security of persons or property, or both.

18 SECTION 6. IC 9-22-1-19 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Within  
20 seventy-two (72) hours after removal of an abandoned vehicle to a  
21 storage ~~area~~ **yard or towing service** under section 13, 14, or 16 of this  
22 chapter, the public agency or towing operator shall prepare and forward  
23 to the bureau an abandoned vehicle report containing a description of  
24 the vehicle, including the following information concerning the vehicle:

25 (1) The make.

26 (2) The model.

27 (3) The identification number.

28 (4) The number of the license plate.

29 (b) The public agency or towing operator shall request that the  
30 bureau advise the public agency or towing operator of the name and  
31 most recent address of the person who owns or holds a lien on the  
32 vehicle.

33 (c) Notwithstanding section 4 of this chapter, if the public agency or  
34 towing operator fails to notify the bureau of the removal of an  
35 abandoned vehicle within seventy-two (72) hours after the vehicle is  
36 removed as required by subsection (a), the public agency or towing  
37 operator:

38 (1) may not initially collect more in reimbursement for the costs  
39 of storing the vehicle than the cost incurred for storage for  
40 seventy-two (72) hours; and

41 (2) may collect further reimbursement under this chapter only for  
42 additional storage costs incurred after notifying the bureau of the  
43 removal of the abandoned vehicle.

44 SECTION 7. IC 9-22-1-32 IS AMENDED TO READ AS  
45 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. The following  
46 are not liable for loss or damage to a vehicle or parts occurring during  
47 the removal, storage, or disposition of a vehicle or parts under this

- 1 chapter:  
2 (1) A person who owns, leases, or occupies property from which  
3 an abandoned vehicle or parts are removed.  
4 (2) A public agency.  
5 (3) A towing service.  
6 (4) An automobile scrapyard.  
7 **(5) A storage yard."**  
8 Renumber all SECTIONS consecutively.  
(Reference is to HB 1478 as printed February 18, 2005.)

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Representative Adams T